

REQUEST FOR CLARIFICATION/INTERPRETATION

TO:	Name and Title: Tin Plaska, Bureau Chief	FROM:	Name and Title: Suzn Gehring, Regional manger
	Organizational Unit: DDP		Organizational Unit: DDP
	Address: Helena Central Office		Address: Regional Office in Billings

1. TYPE OF REQUEST: ☒ Follow-up to Verbal Request - Date of Verbal Request: 10-15-12 Written Request

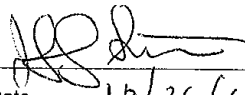
2. STATEMENT OF QUESTION OR ISSUE: (1) In the porting policy how is the "90 calendar days porting period" in page 2 B. defined?

(2) If a provider holds an individual to waiting 90 days before the funds can port can the individual or guardian file a fair hearing based on the provider's adverse decision?
references: 01.03.420 policy

3. ANSWER: A Case Manager must give notice in writing to the current provider when an individual decides to port, i.e. leave a provider's service and move their service dollars to another provider. According to the August 24, 2009 Porting Policy, Page 2, Notification Section B, "the date on the written notice will serve as the date the 90 day calendar day porting period begins." The 90 day notification period for an individual wishing to move to another provider and take their funds or for a provider to exit a service recipient has been in the Service System Plan for Individualized Services and Portability Guidelines since July 1, 2003. The July 2003 Porting Guidelines also stated: "this time period (90 day notification) may be decreased if agreed upon by all involved parties." The intent of the 90 day notification period was to allow for a smooth transition and to give the provider time to fill the opening.

(2) An individual in services or their guardian may file a Fair Hearing request if an agreement cannot be reached with the provider.

References: 2003 Porting Guidelines, 2009 Porting Policy

Approved and Issued by:  (Program Director)

Date: 10/26/12

STATE USE ONLY	4: DISTRIBUTION:	5: FOLLOW-UP:
	One Copy: _____	To be issued as Bulletin to: _____
	One Copy: _____	_____ (Division Administrator)
	One Copy: _____	Manual. Expected Date of Issuance: _____
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